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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,649	06/27/2003	Roland E. Flick	0-03-123	8322

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EXAMINER

CONLEY, FREDRICK C

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,649

Applicant(s)

FLICK, ROLAND E.

Examiner

FREDRICK C CONLEY

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-17 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat.

No. 5,542,136 to Tappel.

Claim 12. Tappel discloses a stand alone integrated mattress comprising:

a mattress unit having at least a head section and a foot section;

at least one inflatable bladder (91-110) in each section of the self-contained mattress unit;

at least one fluid source 41;

at least one dispersion unit 113 in the mattress and the dispersion unit provides a fluid, obtained from the fluid source, to a conduit which directs the fluid into the inflatable bladder,

a control system 56 positioned in one of the sections and interconnected to each dispersion unit to control the dispersion of the fluid to the inflatable bladders wherein the control system has an input unit that allows an operator to input data to control at least the inflation and/or deflation of the inflatable bladders wherein the input unit is interconnected to the control unit by a tethered electrical connection 44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-11, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,542,136 to Tappel in view of U.S. Pat. No. 6,079,065 to Luff et al.

Claim 1, Tappel discloses a self-contained mattress unit having at least a head section and a foot section;
at least one inflatable bladder (91-110) in each section of the self-contained mattress unit;
at least one fluid source 41;
at least one dispersion unit 113 in each section and each dispersion unit provides a fluid, obtained from the fluid source, to a conduit which directs the fluid into the inflatable bladder positioned in the section of the dispersion unit;
a control system 56 positioned in one of the sections and interconnected to each dispersion unit to control the dispersion of the fluid to the inflatable bladders in each section. Tappel fails to disclose the mattress capable of converting from a horizontal position or an inclined position to a chair-like conformation. Luff discloses an articulated inflatable mattress capable of converting from a horizontal position or an inclined position to a chair-like conformation (col. 2 lines 42-57). It would have been obvious for

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one having ordinary skill in the art at the time of the invention to have the mattress convert from a horizontal position to a chair-like conformation as taught by Luff in order to adjust the mattress of Tappel to a desired position.

Claims 2 and 14, wherein the at least one fluid source is ambient air.

Claims 3 and 15, wherein the at least one fluid source is ambient air.

Claims 4 and 16, wherein the fluid is air.

Claims 5 and 17, Tappel discloses all of the Applicant's claimed limitations except for the inflatable bladders capable of vibrating. Luff discloses inflatable bladders capable of vibrating (col. 3 lines 1-13). It would have been obvious for one having ordinary skill in the art at the time of the invention to have the inflatable bladders vibrate as taught by Luff in order to provide a massaging effect to the mattress of Tappel.

Claim 6, wherein the control system has an input unit 43 that allows an operator to input data to control at least the inflation and/or deflation of the inflatable bladders.

Claim 7, wherein the input unit is interconnected to the control unit as an integrated component thereof.

Claim 8, wherein the input unit is interconnected to the control unit by a tethered electrical connection 44.

Claim 10, wherein the control circuit inherently has a board that interconnects to the control unit. Tappel discloses the claimed invention except for a SIMM type daughter board. Various distribution boards are well known to provide an interface between input devices and control devices, and it would have been obvious to one having ordinary skill in the art at the time of the invention to employ a SIMM type daughter board in

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order to interface the input devices with the control devices.

Claim 11, Tappel fails to disclose the input unit transmitting a remote wireless signal to a receiver in the control unit. Luff discloses an input unit transmitting a remote wireless signal to a receiver on a control unit (col. 3-4 lines 61-68 & 1-5). It would have been obvious for one having ordinary skill in the art at the time of the invention to employ a wireless signal as taught by Luff in order to provide a hand held controller with the mattress of Tappel.

Claim 13, wherein the stand-alone mattress unit is a self-contained; wherein each section has at least one dispersion unit and each dispersion unit provides the fluid, obtained from the fluid source, to the conduit which directs the fluid into the inflatable bladder positioned in the section of the dispersion unit; the control system positioned in one of the sections and interconnected to each dispersion unit to control the dispersion of the fluid to the inflatable bladders in each section. Tappel fails to disclose the mattress capable of converting from a horizontal position or an inclined position to a chair-like conformation. Luff discloses an articulated inflatable mattress capable of converting from a horizontal position or an inclined position to a chair-like conformation (col. 2 lines 42-57). It would have been obvious for one having ordinary skill in the art at the time of the invention to have the mattress convert from a horizontal position to a chair-like conformation as taught by Luff in order to adjust the mattress of Tappel to a desired position.

Allowable Subject Matter

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-8 and 10-13 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 571-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC



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